

NOT TO BE PUBLISHED

California Rules of Court, rule 977(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 977(b). This opinion has not been certified for publication or ordered published for purposes of rule 977.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT

(Sacramento)

In re TAWNY S., a Person Coming
Under the Juvenile Court Law.

SACRAMENTO COUNTY DEPARTMENT OF
HEALTH AND HUMAN SERVICES,

Plaintiff and Respondent,

v.

DEBRA S.,

Defendant and Appellant.

C041943

(Super. Ct. No. JD216950)

Debra S., mother of the minor, appeals from orders terminating her parental rights. (Welf. & Inst. Code, § 366.26 [further undesignated statutory references are to this code].) Appellant contends there was insufficient evidence the minor was likely to be adopted. We affirm.

FACTS

The eight-year-old minor was removed from appellant's custody in June 2001. Appellant suffered from chronic mental health and substance abuse problems and was unable to care for

the minor. Appellant also had a son who was adjudged a dependent in 1991 in Wisconsin and later adopted. The court denied appellant reunification services due to her failure both to rehabilitate from substance abuse and to treat the problems which led to her son's removal and adoption (§ 361.5, subds. (b)(11) and (b)(13)).

The minor adjusted well to foster care and appeared to have a clear understanding of why she had been removed from appellant's custody. Due to the minor's chaotic life, the social worker recommended the minor participate in therapy and be assessed for possible attention deficit disorder. By October 2001, the minor was continuing to receive therapy and her scholastic delays were being assessed. Although guarded about her problems and ambivalent about visitation, the minor presented as a sweet, bright child. The social worker believed she needed intensive, long-term services and recommended a medication assessment. The minor's caretakers were dedicated to ensuring her medical and emotional needs were met.

The medication assessment indicated the minor had symptoms of Attention Deficit/Hyperactivity Disorder (ADHD) and had taken medication for the disorder before. The court authorized administration of the recommended medication.

According to a bonding assessment conducted in November 2001, interaction between the minor and appellant was distant and stilted, the minor resisted appellant's affectionate advances and actively redirected appellant's attempts to discuss reunification. Further, while appellant was highly dependent

upon the minor, the minor was clearly ready for a permanent separation from appellant.

Appellant exercised visitation rights sporadically and often behaved very inappropriately during the visits she did attend.

The assessment prepared in June 2002 for the section 366.26 hearing stated the minor was in good health with no developmental concerns. Her difficulties with focus and consistency affected her scholastic achievement but she behaved well and was willing to try in school. She was described as a friendly, happy child who was able to express affection. She continued to attend counseling to address various issues including separation from appellant, neglect, self-esteem, and trust.

According to the assessment, the prospective adoptive parents were the minor's current caregivers, and were the daughter and son-in-law of her former caregivers. Although she had been in her current placement only a few weeks, she was familiar with the prospective adoptive parents since they had been alternate caregivers in the past. The minor, now 10, understood the concept of adoption and stated she wanted to be adopted by her current caregivers.

At the section 366.26 hearing, the court terminated parental rights, selecting adoption as the permanent plan and finding that termination would not be detrimental to the minor.

DISCUSSION

Appellant contends substantial evidence does not support the finding that the minor was likely to be adopted because she

suffered from mental health problems which rendered her adoption doubtful. We disagree.

When the sufficiency of the evidence to support a finding or order is challenged on appeal, even where the standard of proof in the trial court is clear and convincing, the reviewing court must determine if there is any substantial evidence -- that is, evidence which is reasonable, credible and of solid value -- to support the conclusion of the trier of fact. (*In re Angelia P.* (1981) 28 Cal.3d 908, 924; *In re Jason L.* (1990) 222 Cal.App.3d 1206, 1214.) In making this determination we recognize that all conflicts are to be resolved in favor of the prevailing party and that issues of fact and credibility are questions for the trier of fact. (*Ibid.*; *In re Steve W.* (1990) 217 Cal.App.3d 10, 16.) The reviewing court may not reweigh the evidence when assessing the sufficiency of the evidence. (*In re Stephanie M.* (1994) 7 Cal.4th 295, 318-319.)

Determination of whether a child is likely to be adopted focuses first upon the characteristics of the child. (*In re Sarah M.* (1994) 22 Cal.App.4th 1642, 1649.) In assessing whether a minor is likely to be adopted, the court weighs "whether the minor's age, physical condition, and emotional state make it difficult to find a person willing to adopt the minor." (*Ibid.*) The fact that a prospective adoptive family has expressed interest in adopting the minor is an indication that the minor's particular characteristics are not a bar to adoption by that family or some other family within a reasonable time. (*Ibid.*)

The evidence showed the minor was healthy and had no developmental delays, significant behavioral problems, or physical disabilities. She evidently suffered from ADHD but the symptoms were apparently controlled by the medication prescribed for her. She was described as sweet and bright and able to express affection both physically and verbally. While she is somewhat older than many children who are found to be readily adoptable, nothing in the minor's characteristics indicates a bar to adoption particularly when her current caretakers have expressed a willingness to adopt her.

There are some unsupported indications in the record that the minor may suffer from reactive attachment disorder or hear voices. However, she currently did not show such symptoms and, in any case, was in therapy to deal with these and other issues. Suggestions that the minor had more severe mental health issues are speculative and not supported by the record. In any event, her current caretakers had provided respite care for the minor in the past and were very familiar with the minor and any difficulties or challenges she presented and remained committed to her. Substantial evidence supports the court's finding the minor was likely to be adopted.

DISPOSITION

The orders of the juvenile court are affirmed.

We concur: _____ CALLAHAN, J.

_____ SCOTLAND, P.J.

_____ ROBIE, J.